

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

MCGINN, SMITH & CO., INC., et al.,

No. 1:10-CV-457
(GLS/CFH)

Defendants.

APPEARANCES:

U.S. Securities & Exchange Commission
3 World Financial Center
New York, New York 10281
Attorneys for plaintiff

Phillips Lytle LLP
One Canalside
125 Main Street
Buffalo, New York 14203
for Receiver, William J. Brown, Esq.

Weddle Law PLLC
250 West 55th Street, 30th floor
New York, NY 10019
Attorney for Defendant David L. Smith

OF COUNSEL:

KEVIN P. McGRATH, ESQ.

CATHERINE EISENHUT, ESQ.

JUSTIN S. WEDDLE, ESQ.

AMENDED ORDER

On August 10, 2021, the Court-appointed receiver filed a motion seeking Court approval for the eighteenth interim application for approval of attorneys' fees and expenses. Dkt. No. 1204. On August 11, 2021, the accountants for the receiver filed the fifteenth interim application for the approval of accounting fees and expenses. Dkt. No. 1205. Defendant David Smith filed a response in opposition to both requests. Dkt. No. 1207. On September 3, 2021, the receiver filed a reply. Dkt. No. 1208.

On October 20, 2021, the Court-appointed receiver filed a motion seeking Court approval for the nineteenth interim application for approval for attorneys' fees and expenses. Dkt. No. 1211. Also on that date, the accountants for the receiver filed the sixteenth application for approval of accounting fees and expenses. Dkt. No. 1212. Defendant David Smith filed a response in opposition to both requests. Dkt. No. 1213.

On November 10, 2021, the receiver filed a reply. Dkt. No. 1214.

On December 1, 2021, the Court conducted a conference on-the-record with counsel for plaintiff, the receiver, and defendant David Smith. As directed during that conference and for the reasons stated at that time, which are incorporated herein by reference, it is hereby

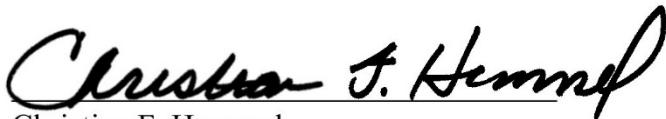
ORDERED, that:

(1) the motions for approval of attorneys' fees and expenses (Dkt. Nos. 1204, 1211) are **GRANTED**.

(2) The motions for the approval of accounting fees and expenses (Dkt. Nos. 1205, 1212) are **GRANTED**.

IT IS SO ORDERED.

Dated: December 1, 2021
Albany, New York


Christian F. Hummel
U.S. Magistrate Judge